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May 11, 1998

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Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: MM Docket No. 96-204
RM-8876
Martin, Tiptonville,
and Trenton, Tennessee

Dear Ms. Salas:

Transmitted herewith, on behalf of Lyle Broadcasting Corporation, licensee of Station WCIL-FM, Carbondale, Illinois, are an original and four copies of its "Comments" with regard to the Commission's *Order to Show Cause*, DA 98-508, released March 20, 1998, in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate with the undersigned.

Very truly yours,
FLETCHER, HEALD & HILDRETH, P.L.C.


Frank R. Jazzo
Counsel for Lyle Broadcasting Corporation

Enclosures

cc: Service List (w/enc.)

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

100-1-87

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In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 96-204
Table of Allotments, FM Broadcast Stations.)	RM-8876
(Martin, Tiptonville, and Trenton, Tennessee))	RM-9015

Directed to: Chief, Allocations Branch

COMMENTS ON ORDER TO SHOW CAUSE

Lyle Broadcasting Corporation ("Lyle"), licensee of Station WCIL-FM, Carbondale, Illinois, by its attorneys, hereby respectfully submits its Comments with regard to the Commission's *Order to Show Cause*, DA 98-508, released March 20, 1998, in the above-captioned proceeding. With respect thereto, the following is stated:

1. Lyle is a counterproponent in a separate rule making proceeding, MM Docket 97-168, which also involves vacant Channel 267C3 at Tiptonville, Tennessee, together with the communities of Arcadia and Ellington, Missouri, and Carbondale and Steeleville, Illinois. Lyle is hereby submitting its Comments so that the Commission's staff will have the full range of proposals made concerning the Tiptonville allotment before it as it analyzes the issues raised in the instant proceeding.

2. In the above-captioned proceeding, Thunderbolt Broadcasting, Inc. ("Thunderbolt"), licensee of Station WMCT(FM), Martin, Tennessee, proposed the substitution of Channel 267C3 for Channel 269A at Martin and the deletion of vacant Channel 267C3 at Tiptonville. Twin States Broadcasting, Inc. ("Twin States") and Terry Hailey ("Hailey") filed counterproposals in

which they each expressed an interest in retaining the Tiptonville allotment. Thunderbolt counterproposed the allotment of Channel 247A at Tiptonville in lieu of Channel 267C3. In order to accommodate this change, Thunderbolt also proposed the substitution of Channel 249C3 for Channel 248C3 for Station WWEZ(FM) at Trenton, Tennessee. That counterproposal resulted in the Commission's release of the above-referenced *Order to Show Cause* on March 20, 1998.

3. In the meantime, in MM Docket 97-168, Lyle submitted its counterproposal, which proposed that Channel 268C1 be substituted for Channel 268B at Carbondale, Illinois, and that the license for WCIL-FM be modified to specify operation on the higher class channel.¹ As set forth in Lyle's "Comments and Counterproposal," filed September 22, 1997, in order to accommodate this change, if the Channel 267C3 allotment at Tiptonville is retained, it is necessary to impose a site restriction on the allotment of 9.6 kilometers southeast of Tiptonville.

4. Both Twin States and Hailey submitted comments in MM Docket 97-168 concerning Lyle's counterproposal. Neither Twin States nor Hailey raised any objection to the site restriction proposed by Lyle. Indeed, both parties indicated that they would be willing to accept the site restriction at Tiptonville. The site used by Lyle as a reference site is the same as that proposed for use as a transmitter site by the entity which formerly held a construction permit for the Tiptonville allotment. Accordingly, it is clear that the site is one which would be suitable for a Tiptonville station.

¹ Lyle also proposed as a secondary, alternative counterproposal that in the event that the Commission does not impose a site restriction on Tiptonville, Channel 268C1 be substituted for Channel 268B at Carbondale and that the channel be reallocated to Steeleville, Illinois. As indicated, however, this proposal was a secondary proposal and not the preferred option.

5. Lyle's counterproposal was filed in response to the Commission's Notice of Proposed Rule Making, DA 97-1599, released August 1, 1997, which proposed the allotment of Channel 269A to Arcadia, Missouri, as that community's first local broadcast service. In its counterproposal, Lyle proposed that either Channel 247A or Channel 280A be allotted to Arcadia in lieu of Channel 269A. The engineering attached to Lyle's "Comments and Counterproposal" demonstrates that the allotment of Channel 247A would not conflict with Thunderbolt's proposal to substitute Channel 247A for Channel 267C3 at Tiptonville. Thus, should the Commission determine that it will make this substitution, that decision will have no impact upon the proceedings in MM Docket 97-168.

6. Lyle's proposed changes in the FM Table of Allotments clearly would serve the public interest. By adopting the channel substitutions proposed herein, not only would the community of Arcadia, Missouri, receive a first local broadcast transmission service, but Lyle would be able to provide additional and improved service to a large number of people. Lyle's proposed Channel 268C1 facility would be able to serve 52.6 percent more people than its current facility. This increase in service would have no countervailing public interest detriment. As indicated above, both of the parties opposing deletion of Channel 267C3 at Tiptonville have no objection to the site restriction proposed by Lyle.

7. Lyle does not intend to advance any opinion herein as to whether the Commission should delete or retain Channel 267C3 or substitute Channel 247A at Tiptonville. Nevertheless, in order to allow the public service benefits outlined above to go forward as contemplated in MM Docket 97-168, Lyle hereby requests, in the event that Channel 267C3 is retained at Tiptonville, that a site restriction of 9.6 kilometers southeast of the community be placed on the allotment.

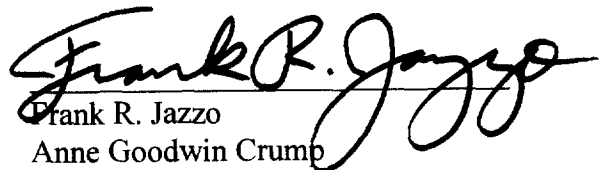
Should the Commission either delete Channel 267C3 or substitute Channel 247A, then the Commission's actions in the instant proceeding will have no impact on Lyle's counterproposal in MM Docket 97-168.

WHEREFORE, the premises considered, Lyle hereby respectfully requests that a site restriction of 9.6 kilometers southeast of Tiptonville be placed on the Channel 267C3 allotment at Tiptonville if that allotment is retained.

Respectfully submitted,

LYLE BROADCASTING CORPORATION

By:


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May 11, 1998

CERTIFICATE OF SERVICE

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a copy of the foregoing "Comments on Order to Show Cause" was sent this 11th day of May, 1998, by first-class United States mail, postage prepaid to:

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